



## **Overview of the Grievance Process and Procedure**

### **Grievance processes**

A grievance procedure is a means of internal dispute resolution by which a member may have his or her grievances addressed.

An effective grievance procedure provides members with a mechanism to resolve issues of concern. The grievance procedure may also help administrators and employees of PhillyCAM to correct issues before they become serious issues or result in litigation.

Purpose of a grievance process/procedure and the role of the Appeals Committee as part of that process, is to promote prompt and responsible resolution of issues raised by members, staff and administrators.

This grievance process may be used freely without fear of retaliation.

If the grievance or complaint involves discriminatory harassment, sexual harassment and/or discrimination, reference to those policies should be made to initiate a complaint and those types of issues may be beyond the scope of the Appeals Committee. Because members of the Appeal Committee lack legal authority and sufficient knowledge on various forms of discrimination, and because some, but not all, types of discrimination are against the law, it is recommend to all parties involved in such disputes to contact [Philadelphia Commission on Human Relations](#).

Generally, there will be a requirement that a grievance be submitted in writing using a grievance form.

Members can download the Grievance Form from PhillyCAM's website [insert link]. Members can also use the Member Satisfaction Form that is available on the website or near the suggestion box as an alternative form. Both forms are accepted written documents to initiate and submit a grievance.

It is the Executive Director (ED) who will receive a written grievance form. S/he reviews the grievance to determine whether it is valid.

If a grievance is about the ED, then the ED should inform the Appeals Committee's chair and include the committee in all reviews and communications.

A grievance or a complaint must be submitted in writing and within one week following the event or incident. It is highly recommended that any incident be reported as soon as possible and in writing.

Three possible outcomes may occur at this initial submission stage of the process:

- The ED may determine that no valid grievance exists.
- The grievance may be resolved.
- The grievance may not be resolved to the member's satisfaction, and member can request from the ED to move forward to the next step, which is a review by the Appeals Committee (AP).

## **Appeals Committee**

When does the Appeals Committee get engaged to address a grievance? The Appeals Committee, will be engaged at a request of a member or the ED or both.

### **Process:**

Appeals Committee will request all the available documents and evidences from the ED to start its review of the grievance.

While the member will not be present in the review process by the Appeals Committee, the member will be informed within 3 days via email or a phone call by the chair of the committee that the Appeals Committee is handling his/her grievance.

Appeals Committee will review all available materials, it may ask for more material from all parties involved in the incident, and it will deliver its decision in writing and within one month from the time it first receives the request for an appeal.

All members of the Appeals Committee will have to be present when there is an appeal referred to the committee. Everyone should take part in the review meetings and when there is voting each member has one vote and there is no voting by proxy. If a committee member is not available to be present to vote, then he/she should submit their vote via email or a phone call to the chair of the committee.

## **Grievance Steps**

### **Step One: Discuss Complaint with the Executive Director.**

At PhillyCAM we encourage informal resolution of complaints. Member(s) should first discuss the complaint with the PhillyCAM Executive Director within three (3) business days of the situation whenever possible.

If the complaint is not resolved as a result of this discussion, or such a discussion is not appropriate under the circumstances, proceed to Step Two. If the action in dispute involves suspension or termination of a member **Steps One and Two** should be bypassed, and Appeals Committee should be engaged.

*Note: If one of the parties in the dispute is the ED, Steps One and Two should be bypassed and the complaint should be submitted directly to Appeals Committee. The Appeals Committee will send a copy to the Board Director and schedule a meeting for the member, the Appeals Committee and the Board Director or his/her designee.*

A member can send his/her formal appeal by emailing [appeals@phillycam.org](mailto:appeals@phillycam.org).

## **Step Two: Prepare and Submit Complaint Procedure Form or Member Satisfaction Form to the ED for Review.**

If the member feels the complaint was not resolved in discussions with the ED, then the member may prepare and submit a formal written complaint for review by the ED and may request a further review by the Appeals Committee. To do so, the member should prepare a Complaint Procedure Form and submit it to the ED within seven (7) business days of the **Step One** discussion with the ED (or within seven (7) days of the event being grieved if Step One is bypassed.)

- A complaint must be in writing, containing the name and address of the person filing it. The complaint must state the problem or action alleged to be in violation, and the remedy or relief sought.

The ED will engage the chair of the Appeals Committee as a consultant who will then review the complaint along with the ED, and inform the Appeals Committee with a brief. A meeting is then scheduled with the member, the ED, and the chair of the Appeals Committee to discuss the complaint. The meeting will ordinarily be held within five (5) business days of the ED's receipt of the Complaint Procedure Form. The ED will issue a written decision, generally within five (5) business days of this meeting. If the complaint is not resolved to the member's satisfaction, they may proceed to **Step Three**.

## **Step Three: Appeal of the ED's Decision by Engaging the Appeals Committee**

If member is not satisfied with the **Step Two** decision, they may proceed with the complaint within seven (7) business days of receipt of the **Step Two** decision by submitting a formal appeal to the Appeals Committee for review by the committee. *Note: A member MUST proceed through Steps One and Two before proceeding to Step Three. The only exception is when a grievance is between the member and the ED.*

A member can send his/her formal appeal by emailing [appeals@phillycam.org](mailto:appeals@phillycam.org).

After Appeals Committee receives request for an appeal from a member, a meeting between the ED and the Appeals Committee will be held to review the details of the grievance during its various stages and to acquire necessary documentations and papers. This meeting should take place within five (5) days of the receipt of the appeal request email. The Appeals Committee will hold its review meeting, generally held within ten (10) business days after meeting with the ED.

- Appeals Committee shall conduct an investigation of the complaint. This investigation may be informal, but it will be thorough, affording all interested persons an opportunity to submit evidence relevant to the complaint.
- Appeals Committee will maintain the files and records of PhillyCAM's relating to grievances. To the extent possible, and in accordance with applicable laws, the Appeals Committee will take appropriate steps to preserve the confidentiality of files and records relating to grievances and will share them only with those who have a need to know.

- Appeals committee members are bound by **Duty of Care**, which is taking the care and exercising the judgment that any reasonable and prudent person would exhibit in the process of making informed decisions, including acting in good faith consistent with what s/he truly believes is in the best interest of PhillyCAM.
- Appeals Committee will issue a written decision on the grievance, based on a preponderance of the evidence; this final response will include a notice to the complainant of their right to pursue further legal remedies.

The Appeals Committee will provide its decisions, which will be the final written response, generally within fourteen (14) business days to the member. The ED will also be notified.

### **General Information**

The time limits above are subject to modification on a case-by-case basis due to operational requirements, in-depth investigations, travel away, etc. The Executive Director, the Appeals Committee and the Board of PhillyCAM shall have final authority to resolve any disputes regarding the implementation of this Grievance Procedure, including determination of the appropriate decision makers.

Any person who believes someone has been subjected to discrimination on the basis of race, color, age, sex, religion, disability, national origin, gender identity and gender expression, may file a grievance under this procedure. It is against the law for PhillyCAM to retaliate against anyone who opposes discrimination, files a grievance, or participates in the investigation of a grievance.

Sometimes hiring an outside person to serve as “ombudsperson”\* is an effective method of preserving credibility and objectivity. Appointing an internal ombudsperson from a different group might also be an option. The ombudsperson could be selected on a permanent basis, or case-by-case, as the need arises. The ombudsperson reviews the concern(s), interviews the complainant(s), and issues a determination to the administration or board. When confidentiality is a major concern, an outside consultant or a dispute resolution firm is particularly effective serving as the ombudsperson.

*\*The term ombudsperson has various meanings in different workplace settings. We use it here to connote an objective third party charged with hearing and resolving internal disputes.*

The availability and use of this grievance procedure does not prevent a person from pursuing other legal or administrative remedies via Board of Directors, including filing a complaint of discrimination on the basis of race, color, national origin, sex, age, religion or disability in court or with the U.S. Department of Health and Human Services, Office for Civil Rights. A person can file a complaint of discrimination electronically through the Office for Civil Rights Complaint Portal, which is available at: [https://ocrportal.hhs.gov/ocr/cp/wizard\\_cp.jsf](https://ocrportal.hhs.gov/ocr/cp/wizard_cp.jsf).